

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11432 of 2021

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Mohammad Siraj S/o Numavi Miyan R/o Vill.- Agarsanda, Post- Behara, P.S.-
Agarsanda, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Public Distribution System, Patna, Bihar.
2. The District Magistrate Ara, Bhojpur.
3. The Sub- Divisional Officer Ara.
4. The Office of the Sub- Divisional Officer Ara, Bhojpur.
5. The Block Development Officer Garhani, Bhojpur.
6. The Union of India, through the Post Master General Patna, Bihar.
7. The Superintendent of General Post Office Ara, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That issue a writ in the nature of "CERTIORARI" or any other writ or direction to quash the P.D.S. publication of list of candidature of Garhani Block, Public Distribution System and Control of Food and Consumer Protection, Patna, Bihar under Sub-divisional Office, Ara vide advertisement dated 18.12.2020 memo no. 2483, thereby total 1388 applications were received.



Further issue of nature “MANDAMUS” or any other writ or direction to get publish fresh list after listing the name of genuine candidature who had sent their application within stipulated period of time prior to 7 and 8 of January 2021 as candidature of 9th of January, 2021 application form was accepted and figured her name in the present list.

Venting out his grievance, petitioner has already approached the District Magistrate vide application sent through registered post on 7th of January, 2021 (Annexure-3).

Shri S.Raza Ahmad, learned Additional Advocate General No. 5 states that the District Magistrate shall examine all issues including as to whether the petitioner’s application sent on 7th of January, 2021 through registered post was received by the authority within the stipulated time or not and also as to whether the petitioner was erroneously disqualified and his name not included in the list of the applicants.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Respondent No. 2 namely the District Magistrate, Ara, Bhojpur shall positively consider and decide the petitioner’s application expeditiously by a reasoned and



speaking order preferably within a period of four weeks from the date of production of a copy of this order before him;

(b) Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(c) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to challenge the order before the appropriate forum, should the need so arise subsequently;

(h) We have not expressed any opinion on merits.
All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC JHA

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

